

UNITED STATES DISTRICT COURT

Northern District of Texas - Dallas Division

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

V.

SHUKRI ABU BAKER

Case Number: 3:04-CR-240-P(02)

USM Number: 32589-177

Theresa Duncan and Nancy Hollander

Defendant's Attorney

THE DEFENDANT:

- ☐ pleaded guilty to count(s) _____
- ☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.
- ☒ was found guilty on count(s) 1 through 34 of the revised Superseding Indictment
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense
18 USC § 2339B(a)(1)	Conspiracy to Provide Material Support to a Foreign Terrorist Organization

(cont'd on Sheet 1A)

U.S. DISTRICT COURT NORTHERN DISTRICT OF TEXAS	
FILED	
MAY 29 2009	
CLERK, U.S. DISTRICT COURT	
By _____	Deputy _____

Offense Ended	Count
January 30, 2003	1

The defendant is sentenced as provided in pages 2 through 8 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count(s) _____
- ☒ Count(s)) in original Indictment _____ ☐ is ☒ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

May 27, 2009

Date of Imposition of Judgment

Jorge A. Solis
Signature of Judge

JORGE A. SOLIS
UNITED STATES DISTRICT JUDGE

Name and Title of Judge

May 29, 2009
Date

DEFENDANT: **SHUKRI ABU BAKER**
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ADDITIONAL COUNTS OF CONVICTION

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 USC § 2339B(a)(1)	Providing Material Support to a Foreign Terrorist Organization	August 18, 1998	2
		August 21, 1998	3
		December 31, 1998	4
		May 21, 1999	5
		October 13, 1999	6
		December 10, 1999	7
		April 11, 2000	8
		April 11, 2000	9
		January 17, 2001	10
50 USC §§ 1701-1706	Conspiracy to Provide Funds, Goods and Services to a Specially Designated Terrorist	January 30, 2003	11
50 USC §§ 1701-1706	Providing Funds, Goods and Services to a Specially Designated Terrorist	October 20, 1998	12
		December 31, 1998	13
		December 31, 1998	14
		June 3, 1999	15
		September 23, 1999	16
		September 23, 1999	17
		December 13, 1999	18
		December 14, 1999	19
		January 17, 2001	20
		June 11, 2001	21
18 USC § 1956(h)	Conspiracy to Commit Money Laundering	January 30, 2003	22
18 USC § 1956(a)(2)(A)	Money Laundering	October 20, 1998	23
		December 31, 1998	24
		December 31, 1998	25
		June 3, 1999	26
		September 23, 1999	27
		September 23, 1999	28
		December 13, 1999	29
		December 14, 1999	30
		January 17, 2001	31
		June 11, 2001	32
18 USC § 371	Conspiracy to Impede and Impair the Internal Revenue Service and to File False Return of Organization Exempt from Income Tax	August 7, 2001	33
26 USC § 7206(1)	Filing False Returns of Organization Exempt from Income Tax	March 11, 1999	34

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IMPRISONMENT

Pursuant to the Sentencing Reform Act of 1984, but taking the Guidelines as advisory pursuant to United States v. Booker, and considering the factors set forth in 18 U.S.C. Section 3553(a), the defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of: **15 years on Ct 1, 15 yrs each on Cts 2-10 to run concurrently with all counts and concurrently with Ct 1; 10 yrs on Ct 11 to run consecutive to Ct 1; 10 yrs each on Cts 12-21 to run concurrently with all counts; 20 years on Ct 22 to run consecutive to Cts 1 and 11; 20 yrs on Ct 23 to run consecutive to Cts 1, 11 and 22; 20 yrs each on Counts 24-32 to run concurrently with all counts; 5 yrs on Count 33 to run concurrently with all counts; 3 yrs on Ct 34 to run concurrently with all counts for a TOTAL TERM OF 65 YEARS.**

☒ The court makes the following recommendations to the Bureau of Prisons:
Defendant shall remain at FDC Seagoville or in the Dallas area pending appeal, if eligible. Furthermore, the Court recommends designation to serve his sentence in the DFW area, if eligible.

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before _____ on _____

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

a _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: SHUKRI ABU BAKER**CASE NUMBER: 3:04-CR-240-P(02)****SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of : **3 years each on Counts 1-33; 2 years on Count 34 to all run concurrently with each other for a TOTAL TERM OF THREE (3) YEARS.**

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☒ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

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SPECIAL CONDITIONS OF SUPERVISION

The mandatory drug testing condition is suspended based on the Court's determination that the defendant poses a low risk of future substance abuse.

The defendant shall refrain from incurring new credit charges or opening additional lines of credit without approval of the probation officer.

The defendant shall provide to the probation officer any requested financial information.

The defendant shall not enter into any self-employment while under supervision without prior approval of the probation officer.

The defendant shall cooperate with the IRS, file all outstanding tax returns, and comply with any IRS requirements to pay delinquent taxes, penalties, and interest according to the schedule of payments that the IRS imposes.

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The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 3,400.00	\$ -0-	\$ N/A

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☐ The defendant must make restitution (including community restitution), payable to the U.S. District Clerk to be disbursed to the following payee(s) in the amount(s) listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
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TOTALS \$ _____

☐ Restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

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SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A** ☐ Lump sum payment of \$ _____ due immediately, balance due
☐ not later than _____, or
☐ in accordance with ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B** ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C** ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D** ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E** ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F** ☒ Special instructions regarding the payment of criminal monetary penalties:
It is ordered that the defendant pay to the United States a special assessment of \$3,400.00, for Counts 1-34, which shall be due immediately. Said special assessment shall be made to the Clerk, U.S. District Court.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the U.S. District Clerk, 1100 Commerce Street, 14th Floor, Dallas, Texas 75242.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

☐ The defendant shall pay the cost of prosecution.

☐ The defendant shall pay the following court cost(s):

☐ The defendant shall forfeit the defendant's interest in the following property to the United States: See Sheet 6B.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

AO 245B (Rev. 12/03) Judgment in a Criminal Case
Sheet 6B — Schedule of Payments

Judgment—Page 8 of 8

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FORFEITED PROPERTY

The Court adopts the jury's Special Verdict on forfeiture and imposes a money judgment on the defendant for \$12.4 million for which he is jointly and severally liable with the other defendants in the Special Verdict.